

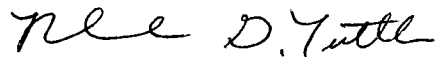
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK J. NAPOLITANO, JR.	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 07-CV-755
	:	
vs.	:	
	:	
TOWN SPORTS INTERNATIONAL	:	
HOLDINGS INC. and TOWN SPORTS	:	
INTERNATIONAL, INC.	:	
	:	
Defendants.	:	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(a)**

Plaintiff Frank J. Napolitano, Jr., through his undersigned counsel, hereby moves, pursuant to Fed. R. Civ. P. 56(a), for summary judgment on Count I of the complaint, and for partial summary judgment on Count II of the complaint. The bases for the plaintiff’s motion, with supporting facts, points and authorities, are set forth in the accompanying Affidavit of Frank J. Napolitano, Jr., plaintiff’s Statement of Undisputed Facts, and plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion for Summary Judgment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard G. Tuttle".

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Counsel for Plaintiff
Frank J. Napolitano, Jr.

April 24, 2007

CERTIFICATE OF SERVICE

Richard G. Tuttle, counsel for the plaintiff in the within matter, hereby certifies that, on April 24, 2004, he served true and correct copies of Plaintiff's Motion for Summary Judgment, together with an Affidavit of Frank J. Napolitano, Jr., a Statement of Undisputed Facts, and a Memorandum of Law in support of said motion, on the following persons by ECF transmittal through the Court's ECF system, and by First Class Mail sent on said date:

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